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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2924 OF 2007

| Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders: | Court's or Judge's orders |
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Mr.S.D. Khate for the applicant.

Mr.Rajesh More, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 4TH DECEMBER 2007

**P.C.** :

1. Heard learned counsel for the applicant and the learned A.P.P. for the State.

2. The applicant seeks anticipatory bail under section 438 of the Cr.P.C. in respect of a crime registered under C.R. No.181 of 2007 for the offence punishable under sections 406, 408 and 420 read with 34 of the I.P.C.

3. The respondent no.2 is a government corporation established for development of tribals. Under an agreement with the applicant, the respondent no.2 entrusted a sum of Rs.30

lakhs with the applicant for the purpose of establishment of 1000 self help groups and carriy out the work in accordance with the agreement. According to the respondent no.2, the work was not carried out and the money was misappropriated. Accordingly, an F.I.R. was lodged with the concerned police station.

4. Learned counsel for the applicant submitted that the applicant has carried out the entire work as per the agreement and has utilised the entire amount of money for the purpose for which it was received and he has not committed any offence.

5. After perusal of the material produced on record, it does appear to me that custodial interrogation of the applicant is necessary for the purpose of finding out the work allegedly carried out by the applicant and whether any government money has been misappropriated. It would not be appropriate to grant bail pending investigation.

6. Previously, the applicant had made

an application for anticipatory bail before the Sessions Court at Nasik. By a reasoned order dated 13th August 2007, the learned Additional Sessions Judge, Nasik has rejected the said application. I see no reason to take a different view at this stage when custodial interrogation appears necessary for investigation. In the circumstances, the application for anticipatory bail is rejected.

7. It is clarified that in the event the applicant applies for regular bail after arrest and interrogation, it shall be considered by the Court on its own merits without being influenced by any of the observations made in this order.

(D.G. KARNIK, J.)